

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

SUITS – Accident case – Compensation of 50% decretal amount to Sri S. Neelaiah & others - Implementation of High Court order dt. 31-3-2008 in MA CMA MP No. 1970/2008 in MA CMA No. 7886/2008 - Orders - Issued

IRRIGATION AND C.A.D (SERVICES. V) DEPARTMENT

G.O. Ms. No. 200

Dated:29-11-2008

Read the following:-

From the Commissioner, Planning & Development of Godavari Basin, Hyderabad, Lr. No. D1/1968/03, Dt. 3-6-2008.

-x-x-x-

ORDER:-

In the reference read above, the Commissioner, Planning & Development of Godavari Basin, Hyderabad has stated that Sri S. Neelaiah and others have filed as O.P. No. 2712/03 claiming compensation in connection with accident with Truck bearing No. ADT 4967. The Hon'ble IV Addl. Metropolitan Sessions Judge-cum-XVIII Addl. Chief Judge, Hyderabad has passed an award on 23-7-2007 for an amount of Rs. 6,68,000/- with an interest @ 7.5% per annum directing the respondent No. 1 (i.e., General Superintendent, P.W. Workshop, Hyderabad) to deposit the said amount in one month dismissing the petition against the respondent No. 2 and 3 (i.e., owner of TATA Sumo and United India Insurance Co. Ltd.,). The Government Pleader, City Civil Court, Hyderabad has advised the General Superintendent, P.W. Workshop & Stores, Hyderabad in his letter dt. 31-1-2008 to file an appeal in Hon'ble High Court, urging to make respondents 2 and 3 also liable to pay compensation since the Government Pleader had observed discrepancies in the award and the observations of the court are contradictory by contacting Government Pleader concerned in Hon'ble High Court. Accordingly, the Government Pleader (Arbitration), High Court, has been contacted. The Government Pleader has informed to deposit an amount of Rs. 25,000/- in the Lower Court to the credit of MV OP. 2712/03 along with certain documents / information for the purpose filing CMA vide Govt. Pleaders letter dt. 27-2-2008. The General Superintendent, P.W. Workshop & Stores, Hyderabad has deposited an amount of Rs. 25,000/- through cheque No. 679953, Dt. 17-3-2008 issued by PAO (W&P) Hyderabad. Subsequently, the Government (A & B). High Court, Hyderabad has filed MA.CMASR No. 7886/08 against MV OP. No. 2712/03 for grant of interim stay. The Hon'ble High Court have granted stay

(P.T.O)

on condition to deposit 50% of the decretal amount within 8 weeks. The Government Pleader in letter dt 11-4-2008 has requested to comply the court orders within the stipulated time and intimate the fact to his office. The decree amount awarded in O.P. No. 2712/03 is as follows as stated by the General Superintendent, P.W. Workshop, Hyderabad.

1. Amount of Decree	Rs. 6,68,000
2. Amount of cost awarded	6,213
3. Interest @ 7.5% p.a. (from 13-11-03 to 23-4-2008)	2,28,094
4. Advocate Fee	6,000

Total	Rs. 9,08,307
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The amount is chargeable to head of account 2701 – 80 MH 800 under SH 05 Regional Work shops 270 – 273 W.C. Establishment.

2. He has requested the Government to obtain and communicate necessary sanction orders of Government towards 50% of decretal amount of Rs. 4,54,154/- at an early date in order to comply with the court orders.

3. After careful examination of the matter, Government hereby direct the Commissioner, Planning & Development of Godavari Basin, Hyderabad to implement the orders of Hon'ble High Court dt. 31-3-2008 in MA CMAMP No. 1970/2008 in MA CMA No. 7886/2008 to avoid further legal complications.

4. The Commissioner, Planning & Development of Godavari Basin, Hyderabad shall take necessary further action in the matter accordingly.

5. This order issues with the concurrence of Finance (Exp. PW.I) Department vide their U.O. No. 28076/1171/Expr. PW.I/08, Dt. 10-10-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH).

S. P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Commissioner, Planning & Development of Godavari Basin
Jalasoudha Buildings, Hyderabad.

Copy to: Stock File.

// FORWARDED :: BY ORDER //

SECTION OFFICER